

**Washington State Human Rights Commission
MEETING OF
March 18, 2005**

**DSHS DCS Building
Olympia, WA**

MINUTES

ATTENDENCE

Commissioners: J. Reiko Callner, Commission Chair; Ellis Casson; Dallas Barnes; Deborah Sioux Cano-Lee; and Jerry Hebert. A quorum was present.

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Regina Hook and Sharon Ortiz, Operations Managers; and Traci Friedl, Assistant Attorney General.

Guests: Kim Tanaka and Richard Mitchell Office of Governor Christine Gregoire and Vicki Rummig, Governor's Interagency Committee of State Employed Women.

OPENING AND WELCOME

(Audio tape one – side one)

Commissioner Callner called the meeting to order at 9:13 a.m. She introduced the newest Commissioner Jerry Hebert. Mr. Hebert said a few words about his background and history in the human rights field.

Kim Tanaka of Governor Gregoire's staff introduced herself to the Commissioners. She works in the Boards and Commissions Office. She welcomed input from board and commission members about how her office could better work with them. She then answered questions about the Senate confirmation process for commission members.

Commissioner Casson encouraged Governor Gregoire to increase the diversity of board and commission members.

APPROVAL OF MINUTES

The Commissioners considered the minutes of the February 25, 2005 meeting. Tanya Calahan will correct the last page by deleting the word "second" which is repeated twice. On page three she will add additional language under the legislative update that the other Commissioners indicated that they would like legislative updates also. Commissioner Casson made a motion to approve the minutes with the noted corrections. Commissioner Cano-Lee seconded the motion. MOTION CARRIED.

CASE CLOSURES

The Commissioners discussed several recommended case closures. Commissioner Casson then made a motion to approve case closures in categories one, two and three with the exception of the Hill v. Napa Auto Parts conciliation failure. Commissioner Hebert seconded the motion. MOTION CARRIED.

EXECUTIVE DIRECTOR'S REPORT

Marc Brenman highlighted his monthly written executive director's report. Commissioner Barnes asked about the agency's difficulty filling investigator positions in Yakima. He also asked about production issues and how Mr. Brenman is dealing with that. Mr. Brenman spoke about efforts to address low case production and commented that the Operations Managers are dealing with the issue.

Operations Manager Sharon Ortiz spoke about fair housing outreach in Spokane. She's on a panel for an upcoming predatory lending conference.

Commissioner Callner spoke about the need to acknowledge staff's good case work when appropriate.

INTERAGENCY COMMITTEE OF STATE EMPLOYED WOMEN

Vicki Rummig is the Chair of the Governor's Interagency Committee of State Employed Women (ICSEW). She spoke about the work of ICSEW, which is to advise the Governor about issues affecting women in state government. She commented about a potential partnership with the Commission on a forum that focuses on women's issues. ICSEW members suggested a panel of women leaders that could speak about how they got where they are and how to define a good leader. She also suggested offering tips for success to future leaders in Washington.

Commissioner Callner spoke about meeting in Seattle for the forum. ICSEW could help get the word out about the event and help find a location. The Commissioners will determine the best month for a forum with ICSEW after they discuss the remaining Commission meeting dates for 2005.

(Audio tape one – side two)

2005 COMMISSION MEETING SCHEDULE

Operations Manager Sharon Ortiz spoke about the importance of having a Commission meeting in Spokane. There are urban Indian issues and racial harassment in schools going on in Spokane.

She spoke about challenges that Equal Opportunity Compliance Investigator Gary Lewis has faced regarding racial harassment in Coeur d'Alene.

Commissioner Hebert spoke about racial harassment and discrimination in the Kitsap Peninsula and the need to hold public hearings and public forums in that area.

Richard Mitchell, General Counsel for Governor Gregoire attended the meeting and joined the discussion regarding the 2005 meeting schedule. He then spoke about the Commission giving input to the Governor to make policy and legislative changes given the racial issues going on in Grays Harbor County.

Commissioner Callner spoke about Governor Gregoire's commendable efforts on the anti bullying law when she was the Attorney General. There currently is a lack of implementation of the anti bullying statute. Most people don't know that the law is there and if they do, do they know how to use it. There's no unified approach by local law enforcement on dealing with the anti harassment statute.

Commissioner Callner spoke about the issue that happened in Ocean Shores and how it affected that area economically. If a City isn't "friendly" people won't go there to visit or live.

(Audio tape two – side one)

Discussion continued about the 2005 Commission meeting schedule and what topics should be discussed at the forums. Discussion ensued about where to go in September 2005. Commissioner Callner suggested an ad hoc committee of Commissioners go to Moses Lake. Commissioner Casson suggested going to Moses Lake on Thursday, September 22, 2005 during the day and taking a field trip to visit migrant camps and then having a day meeting on Friday, September 23, 2005 in Pasco.

Commissioner Barnes made a motion to adopt the 2005 schedule with the suggested changes. Commissioner Casson seconded the motion. MOTION CARRIED.

EXECUTIVE DIRECTOR EVALUATION AND COMPLAINT PROCESS

The Commissioners considered the draft evaluation process for the executive director position. After adding additional language specifying that the executive director can make comments on the evaluation; Commissioner Casson made a motion to approve the evaluation process. Commissioner Hebert seconded the motion. MOTION CARRIED.

The Commissioners next considered the draft the complaint process regarding the executive director.

Executive Assistant Tanya Calahan asked how staff would physically transmit a complaint to the Commissioners or how staff would bring it to the Commissioners attention. The process is informal and staff could pick up the phone and call a Commissioner. Commissioner Barnes expressed concern about having the chair on the subcommittee. Assistant Attorney General Traci Friedl will rework the draft process and distribute it for comment.

RECONSIDERATIONS

Chris Coleman v. Edward Jones Investments. Robin Williams Phillips appeared on behalf of complainant Chris Coleman in person. Fred Ricks Jr. appeared on behalf of respondent by telephone. Complainant's attorney requested reconsideration on the age, sex, and retaliation claim. Respondent says that complainant is on the bottom of the acceptable sales standards list.

(Audio tape two – side two)

Extensive discussion took place regarding this case. Commissioner Callner reiterated the criteria for reconsideration. Commissioner Hebert made a motion to deny the complainant's request for reconsideration. Commissioner Casson seconded the motion. MOTION CARRIED.

Danny & Debra Brooks v. Darlene Curtis. Neither party participated. There was discussion about the sexual harassment issue in this case. Commissioner Callner asked what the complainant's daughter as a witness could speak about. She was not interviewed. The Commissioners discussed burdens on complainants and the elements of a sex harassment case such as egregiousness, severity, and pervasiveness.

Commissioner Callner made a motion to grant reconsideration to interview complainant's daughter and D. Hawkins regarding the allegations in the complaint. Commissioner Hebert seconded the motion. MOTION CARRIED.

CONCURRENT REMEDIES

Assistant Attorney General Traci Friedl spoke about concurrent remedies for complainants. For real estate transactions cases filed in court must be held in abeyance

by the Commission. Discussion then ensued about cases that are administratively closed that can be reopened. Information was shared with the Commissioners but no decision was made.

LEGISLATIVE UPDATE

Marc Brenman highlighted several bills that could have an impact on the work of the Commission.

(Audio tape three – side one)

The Commissioners discussed the draft letter in support of affirmative action legislation. Commissioner Callner made a motion to sign and send the letter. Commissioner Hebert seconded the motion. Commissioner Hebert then asked about the removal of quotas in affirmative action legislation. MOTION CARRIED.

CONCILIATION FAILURE

The Commissioners continued discussion about the Hill v. 9th Street NAPA case. The Commissioners considered the advice of the Attorney General's office on pregnancy and disability issues. Complainant could not perform the essential function. Commissioner Callner made a motion to send this case back to staff for clarification. Commissioner Cano-Lee seconded the motion. MOTION CARRIED.

WHATCOM HUMAN RIGHTS TASK FORCE ROUNDTABLE VIDEO

The Commission is prohibited from donating funds to a non profit organization. Commissioner Callner will contact Mr. Dennis Lane regarding this.

GCDE FUNDING SOURCES

Traci Friedl recommended that if funds are given to the Governor's Committee on Disability Issues and Employment (GCDE) that there should be a business purpose stated and what the Commission is getting out of it.

Commissioner Casson asked that we do what we can to help GCDE especially after the forum they helped coordinate on the March 17th. The Commissioners could also help GCDE come up with stable alternatives for funding that could be forwarded to Governor Gregoire.

ACTION ITEM REVIEW

Tanya Calahan reviewed the day's action items.

ADJOURNMENT

There being no further business the meeting adjourned at 3:12 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners